United Nations HRI/MC/2015/2

International Human Rights Instruments

Distr.: General
13 April 2015

Original: English
English, French and Spanish only

Twenty-seventh meeting of chairpersons of the human rights treaty bodies
San José, 22–26 June 2015
Item 4 (a) of the provisional agenda
Follow-up to General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system and to the conclusions and recommendations of the twenty-sixth meeting of chairpersons: general discussion, including on the Secretary-General's progress report mandated by resolution 68/268

Implementation by treaty bodies of the conclusions and recommendations of the treaty body chairpersons at their twenty-sixth meeting in the framework of General Assembly resolution 68/268

Note by the Secretariat

Summary

The chairpersons of the human rights treaty bodies, at their twenty-sixth annual meeting, reaffirmed the commitment of the human rights treaty bodies to further develop their work as a system by continuing to review good practices regarding the application of rules of procedures and working methods in their ongoing efforts towards strengthening and enhancing the effective functioning of the treaty bodies, in the light of General Assembly resolution 68/268. The chairpersons endorsed common working methods and approaches pertaining to the simplified reporting procedure, the constructive dialogue and concluding observations, as well as common policies on reprisals, and invited the treaty bodies to consider endorsing such working methods, approaches and policies.

The present note by the Secretariat contains an overview of follow-up by treaty bodies to the conclusions and recommendations formulated by the chairpersons at their twenty-sixth meeting in the framework of General Assembly resolution 68/268.

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I. Introduction

1. The General Assembly, in its resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, recognized the importance of continued efforts to improve the efficiency of the working methods of the human rights treaty body system. It encouraged the human rights treaty bodies to continue to enhance their efforts towards achieving greater efficiency, transparency, effectiveness and harmonization through their working methods, within their respective mandates, and in that regard encouraged the treaty bodies to continue to review good practices regarding the application of rules of procedure and working methods in their ongoing efforts towards strengthening and enhancing their effective functioning.

2. The chairpersons of the human rights treaty bodies, at their twenty-sixth annual meeting, held from 23 to 27 June 2014, expressed the commitment of the human rights treaty bodies to further developing their work as a system by continuing to review good practices regarding the application of rules of procedure and working methods in their ongoing efforts towards strengthening and enhancing the effective functioning of the treaty bodies (see A/69/285, para. 75).

3. The chairpersons also reiterated the decision taken at previous meetings that they should adopt measures on working methods and procedural matters that were common across the treaty body system and had been discussed previously within each committee, and that such measures should be implemented by all treaty bodies unless a committee subsequently dissociated itself from them (ibid., para. 77).

II. Simplified reporting procedure

4. The chairpersons, at their twenty-sixth annual meeting, drew the committees' attention to the call made by the General Assembly in resolution 68/268, paragraph 1, to make available to States a simplified reporting procedure. The chairpersons recognized that, as of 1 January 2015, periodic reports would be subject to the limit on word length set out in paragraph 16 of resolution 68/268. In response to the changed situation, the chairpersons endorsed the view that committees that examined periodic reports should consider making a simplified reporting procedure available after 1 January 2015 (ibid., para. 87). They also endorsed the view that committees might consider making a simplified process available for the consideration of initial reports in those specific instances where they believed that would enhance the constructive dialogue (ibid., para. 88). The chairpersons recommended that each treaty body should consider revising its existing reporting guidelines with a view to ensuring that States parties were able to submit reports that conformed both to those guidelines and to the word limits set out in paragraph 16 of resolution 68/268 (ibid., para. 92), namely, 21,200 words for periodic reports, 31,800 words for initial reports and 42,400 words for common core documents.

5. The simplified reporting procedure does not apply to the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment or the Committee on Enforced Disappearances (CED), given that the Subcommittee does not have a reporting procedure at all and that CED does not have a periodic reporting procedure.

6. Eight treaty bodies agreed in principle to offer to States parties the simplified reporting procedure. Four treaty bodies, namely, the Committee against Torture (CAT), the Human Rights Committee (HR Committee), the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) and the Committee on the Rights of Persons with Disabilities (CRPD), were already offering or had already decided

to offer the simplified reporting procedure prior to the adoption of General Assembly resolution 68/268. Since the adoption of that resolution and the recommendation issued by the chairpersons on the subject at their twenty-sixth meeting, another four treaty bodies have decided to make available the simplified reporting procedure, namely, the Committee on the Rights of the Child (CRC), the Committee on Economic, Social and Cultural Rights (CESCR), the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Elimination of Racial Discrimination (CERD). Some are doing so on a pilot or trial basis (CESCR and CEDAW), some with certain modalities (CRC after it reduces the backlog, CEDAW on the condition that States parties submit an updated common core document in the preceding five years, or less in case of significant political or socioeconomic changes) and some for a limited number of periodic reports (CERD for reports more than five years overdue, CESCR as of the third periodic report). One committee (CEDAW) decided to limit strictly the number of questions asked in the questionnaire for the simplified reporting procedure, referred to as the list of issues prior to reporting, to 25.

7. In May 2007, CAT became the first treaty body to offer the simplified reporting procedure, which it called the "lists of issues prior to reporting" procedure. Furthermore, in November 2014, the Committee decided to offer the simplified reporting procedure to States parties with long overdue initial reports (up to two States parties per year, bearing in mind capacity) and to enhance the role of country rapporteurs by having them provide a brief presentation on the main priorities (to be implemented as of April 2015). The Committee also decided to establish a working group to contribute to a substantive evaluation of the simplified reporting procedure. The working group is expected to report on its findings by August 2015.

8. In July 2014, the HR Committee agreed that the simplified reporting procedure should, in principle, be offered to all States parties rather than only to States parties whose periodic reports were 10 or more years overdue and whose reports were due in 2013 and beyond, once the Bureau had elaborated the relevant modalities. The Committee also agreed to review the reporting guidelines adopted in 2010 to see if any changes needed to be made, in particular in the light of the word limits on State party reports.

9. In April 2011, CMW decided to adopt the simplified reporting procedure for periodic reports and, in July 2011, it sent a note verbale to those States parties whose periodic reports were pending, informing them about the new procedure and inviting them to submit their reports under the new procedure. Since April 2013, the Committee has systematically included in its concluding observations a standard paragraph inviting the State party concerned to avail itself of the simplified reporting procedure. By March 2015, 17 out of 47 States parties had accepted the procedure, and others are considering it. Five States parties submitted their periodic reports under the procedure in 2014.

10. In September 2011, CMW further decided to examine the reports of States parties according to a reporting calendar, established on the basis of the reporting periodicity set out in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, whereby the implementation of the Convention by all States parties would be considered within a five-year reporting cycle starting in 2014, with a view to ensuring full compliance by all States parties, on an equal footing, with their reporting obligations under article 73 of the Convention. In order to ensure compliance with the calendar, in April 2012 the Committee amended its provisional rules of procedure to provide for the consideration of States parties with long overdue reports, both initial and periodic, in the absence of a report.

11. In September 2013, CRPD adopted the simplified reporting procedure for periodic reports. By March 2015, 10 out of 19 States parties whose initial report had been reviewed

by the Committee had accepted the procedure, and others are considering it. The Committee will adopt its first list of issues prior to reporting in September 2016.

12. In September 2014, CRC decided to adopt the simplified reporting procedure in principle and to offer it to States parties in 2016, after having reduced the backlog of reports awaiting consideration.

13. In May 2014, CESCR decided to pilot the simplified reporting procedure once its backlog was reduced. In November 2014, the Committee discussed criteria for identifying States to pilot the simplified reporting procedure and decided to offer the procedure to States parties with periodic reports, from the third periodic report and onwards, due in 2017. At the time of drafting the present report (March 2015), the Committee had offered the simplified reporting procedure to nine States parties.

14. In August 2014, CERD decided to adopt the simplified reporting procedure and to start implementing it gradually by offering it to States parties whose periodic reports were more than five years overdue. The Committee also decided to prioritize States parties whose periodic reports were more than 10 years overdue.

15. In July 2014, CEDAW decided to offer, on a pilot basis, the simplified reporting procedure for periodic reports as from 1 January 2015, provided that the States parties concerned had submitted an updated common core document, in accordance with the harmonized guidelines, that dated back no more than five years, or less in cases where there had been significant political and/or socioeconomic changes during the five-year period.

16. In November 2014, CEDAW decided to entrust its pre-sessional working group, to be convened after each regular session, with the preparation of draft lists of issues prior to reporting under the simplified reporting procedure. The drafts will be approved by the Committee at its following regular session. During the pilot phase, the simplified reporting procedure will be offered to States parties only for overdue periodic reports. The number of lists of issues prior to reporting to be adopted per year may be limited during the pilot phase based on resource constraints faced by the Committee and its secretariat. The Committee further decided to limit the number of questions in the list of issues prior to reporting to 25.

III. Constructive dialogue

17. The chairpersons, at their twenty-sixth annual meeting, expressed their support for the objectives set out in paragraph 5 of resolution 68/268, which encompassed making the dialogue more effective, maximizing the use of the time available and allowing for a more interactive and productive dialogue with States parties. The chairpersons underlined the need for each treaty body to have flexibility in conducting the dialogue in accordance with the specificities of each convention, and recalled that the chairperson of each committee was responsible for ensuring that the dialogue was conducted in a constructive, effective and efficient manner.

18. The chairpersons further invited the committees to consider making the guidance note on the constructive dialogue (A/69/285, annex I) available to States parties, with a view to assisting them.

19. Since the twenty-sixth meeting of the chairpersons, five treaty bodies, namely, CRPD, CAT, CED, CEDAW and CESCR, have adopted or endorsed the guidance note for States parties on the constructive dialogue. Reservations were expressed by some CESCR members. The HR Committee decided to update its own guidance note, taking into account the guidance note recommended by the chairpersons at their meeting. Three treaty bodies, CERD, CRC and CMW, considered the guidance note and deemed that their practice was

already in line with the note. The recommendations of the chairpersons relating to the constructive dialogue do not apply to the Subcommittee on Prevention of Torture.

20. In July 2014, in addition to deciding to update, to the extent deemed appropriate, its guidance note for States parties in the light of the guidance note recommended by the chairpersons, the HR Committee agreed that indicative rather than strict speaking time limits would be piloted by the current Chairperson.

21. In August 2014, CERD noted that its practice in relation to the constructive dialogue was mostly in line with the recommendations of the chairpersons. Furthermore, the Committee decided to continue its reflections on the possible use of country teams at its next session.

22. In November 2014, CAT adopted the guidance note on the constructive dialogue recommended by the chairpersons, while stressing that it provided a general framework that should not be in contradiction with CAT specificities concerning the dialogue with States parties. CAT specificities will be communicated orally by the Committee secretariat during technical briefings for States parties.

23. In September 2014, CED adopted the guidance note.

24. In October 2014, CRPD endorsed the guidance note.

25. In March 2015, CEDAW decided to adopt the guidance note, with the understanding that the Committee would continue to hold its constructive dialogues with States parties in two consecutive meetings on a single day.

26. In March 2015, CESCR endorsed the guidance note, with reservations expressed by some of its members.

IV. Concluding observations

27. The chairpersons, at their twenty-sixth annual meeting, supported the call made by the General Assembly in its resolution 68/268, paragraph 6, for the treaty bodies to adopt concluding observations that were short, focused and concrete, bearing in mind the specificities of the respective committees and their mandates. They expressed their belief that it would be helpful for the issues raised in the concluding observations to have been the subject of discussion during the dialogue, and considered that that should usually be the case.

28. The chairpersons encouraged the treaty bodies to formulate recommendations that provided specific and actionable guidance on measures for implementing treaty obligations, including time-bound targets or any priorities, where relevant.

29. Inspired by paragraph 6 of resolution 68/268, the chairpersons endorsed a framework for concluding observations (A/69/285, annex II), to be understood in the light of the need for each treaty body to exercise the framework flexibly so that the concluding observations respected and reflected the specificities of each convention and treaty body.

30. Since the twenty-sixth meeting of the chairpersons, six treaty bodies, namely, CERD, CRC, CRPD, CED, CESCR and CEDAW, have already adopted or endorsed the framework for concluding observations endorsed by the chairpersons. The recommendations of the chairpersons relating to concluding observations do not apply to the Subcommittee on Prevention of Torture.

31. In August 2014, CERD decided to adopt the framework for concluding observations.

32. In September 2014, CRC decided to follow the format of concluding observations proposed by the chairpersons at their twenty-sixth meeting and to work to reduce the word length of concluding observations by 20 per cent of the current average length by the end of 2015.

33. In October 2014, CRPD endorsed the framework for concluding observations.

34. In September 2014, CED adopted the framework.

35. In March 2015, CESCR endorsed the framework.

36. In March 2015, CEDAW endorsed the framework with the understanding that, in accordance with its practice, the Committee could only raise, in its concluding observations, issues discussed during the constructive dialogue with the State party concerned.

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I. Introduction

1. At their twenty-sixth meeting, the treaty body chairpersons strongly condemned intimidation and reprisals against persons seeking to engage with the treaty bodies (see A/69/285, para. 107). They invited all treaty bodies that had not yet done so to establish a rapporteur for reprisals to take such steps as were necessary to prevent, protect against, investigate and pursue accountability for acts of intimidation or reprisals (ibid., para. 109).

2. The chairpersons also decided to include reprisals as a standing item on the agenda of their annual meeting and to engage with other bodies working to protect human rights defenders and other right holders from reprisals (ibid., para. 110).

3. With a view to developing a system-wide approach towards reprisals, the Chairpersons further decided to develop and adopt a joint treaty body policy against reprisals at their twenty-seventh meeting (ibid., para. 111). They indicated that any such policy should be part of a more general approach to reprisals by the relevant United Nations human rights mechanisms.

4. Currently, there are variations with regard to the methodology applied by the different treaty bodies in addressing reprisals against persons and groups engaging with them. The present note contains an overview of existing treaty body policies and practices with respect to reprisals resulting from engagement with the treaty bodies.

II. Treaty bodies

5. The present chapter presents an overview of treaty provisions and clauses in treaty bodies' rules of procedure related to reprisals, as well as the policies and practices treaty bodies have in place to address reprisals against individuals and groups engaging with them.

A. Reprisals and the treaty body strengthening process

6. While action by individual treaty bodies to address reprisals against persons engaging or seeking to engage with them predates the treaty body strengthening process, the process has tended to serve as a catalyst for activating treaty bodies that were not previously engaged on this matter.

7. In her report on strengthening the human rights treaty body system of 26 June 2012 (A/66/860), the then United Nations High Commissioner for Human Rights recommended that all treaty bodies take urgent and consistent measures in case of reprisals against human rights defenders after engagement with the treaty body system, including through ensuring mechanisms for action and appointing focal points in the treaty bodies to draw attention to such cases. In addition, it was proposed that the treaty bodies act through other relevant mechanisms, such as relevant special procedures and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

8. The General Assembly, in its resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, strongly condemned all acts of intimidation and reprisals against individuals and groups for their contribution to the work of the human rights treaty bodies, and urged States to take all appropriate action, consistent with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms and all other relevant human rights instruments, to prevent and

eliminate such human rights violations (para. 8). At their twenty-sixth meeting, in June 2014, the chairpersons of the 10 treaty bodies welcomed that condemnation by the Assembly.

B. Provisions on reprisals in the international human rights treaties

9. The following human rights treaties contain explicit provisions that spell out the State party's responsibility to ensure that individuals under its jurisdiction are not subjected to any form of ill-treatment or intimidation as a consequence of communicating with the committee: the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention against Torture, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (see annex I).

10. The non-disclosure of the identity of the authors of individual communications as a preventive measure against reprisals is envisaged in several treaties. Where disclosing the identity of an applicant may put him or her at risk, the committee may also withhold information from the respondent (State party) that might reveal the petitioner's identity.

C. Clauses on reprisals in treaty body rules of procedure

11. The following treaty bodies include clauses in their rules of procedure that reconfirm the responsibility of States to ensure the protection of individuals from intimidation and reprisals for their cooperation with the treaty bodies: the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of Persons with Disabilities, the Committee on Enforced Disappearances, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child (see annex II).

D. Constructive dialogue

12. Many treaty bodies urge States parties during the constructive dialogue to ensure that individuals and non-governmental organizations (NGOs) that provide information to the respective treaty body are not subjected to reprisals, in some cases expressing concern about restrictions on the work of human rights defenders and lawyers, and retaliation against them.[1]

E. Protection measures

13. When a complainant or a member of his or her family has alleged that they fear reprisals for filing a complaint to the Committee against Torture or the Human Rights Committee, those committees frequently request the relevant State party to adopt protection measures. They may, for example, request the State party to refrain from intimidation or pressure and to adopt all measures necessary to protect the life, safety and personal integrity of the author of the communication and of his or her family member(s). The State party is

[1] See, for example, E/C.12/2014/SR.18.

also requested to provide the Committee, within a specific deadline, with information on the measures taken by State authorities to comply with the request.

F. Overview of treaty body policies and practices on reprisals

14. Individual treaty bodies have taken a range of measures to address reprisals against persons engaging with them. Such measures include adopting a policy on reprisals; sending letters to States parties; soliciting intervention by special procedures of the Human Rights Council or the United Nations High Commissioner for Human Rights; notifying the Secretary-General; including information on cases of reprisal in the annual report of the committee; posting, on the OHCHR website, exchanges of letters with States parties on allegations of reprisals; issuing public statements by the committee; making reference to reprisals in concluding observations and in views or decisions on individual cases; and using early warning and urgent action procedures.

15. With the exception of the Committee on the Elimination of Discrimination against Women and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, all treaty bodies have appointed one or more rapporteurs or a focal point on reprisals, as detailed below.

Committee against Torture

16. In November 2013, the Committee against Torture adopted its policy on reprisals (CAT/C/51/3), which is posted on the OHCHR webpage. The Committee has designated two rapporteurs to follow up on allegations of reprisals under the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment: one for cases regarding those who provide information to the Committee under article 19 of the Convention in respect of periodic reports and follow-up on measures to give effect to the undertakings in the Convention, and one for cases regarding those who engage in the individual complaint procedure under article 22 of the Convention and in inquiries under article 20, or who otherwise participate in those procedures.

17. In its policy, the Committee reminded all States parties that, in accordance with their obligations under the Convention, they were to refrain from reprisals against individuals, groups and institutions that sought to cooperate with or otherwise assist the Committee, whether by providing it with information, or by communicating about the findings or actions of the Committee, advancing compliance with reporting obligations or assisting the Committee in the pursuit of any of its functions.

18. According to the policy, when claims are received, the rapporteurs will communicate with the complainants, authorities in the relevant State party, OHCHR and the Secretary-General to request the immediate cessation of such acts. In addition, the Committee may ask its rapporteurs or other members to visit the States parties and places where the reprisals occurred and request local institutions, NGOs and OHCHR representatives in the country to conduct follow-up interviews and/or visits to places where the individuals or groups concerned are based. The Committee may also request further intervention of other relevant United Nations bodies and officials, including the United Nations High Commissioner for Human Rights.

19. Finally, the policy states that the Committee will report publicly, including in statements posted on its website and in its annual report, on the cases of reprisals it encounters and on measures taken to end them. It will also notify the Secretary-General for further action.

20. The Committee has created a dedicated web page where letters to States parties on cases of reprisals are posted publicly.[2] In February 2015, seven cases were listed on that web page.

21. The Committee has issued press releases on specific incidents of reprisal. On 23 December 2013, it issued a press release[3] expressing grave concern after a court in one State party ordered an NGO that had provided information to the Committee to register as a "foreign agent".

22. In November 2014, the Committee decided that the rapporteurs on reprisals would prepare a document on concrete action against reprisals. That document was to be presented to the Committee at its fifty-fourth session, to be held from 20 April to 15 May 2015.

23. In one individual complaint (petition), the Committee found a violation of article 13 of the Convention against Torture for intimidation and threats during the investigation of the case before the Committee (communication No. 433/2010, *Gerasimov* v. *Kazakhstan*, decision adopted on 24 May 2012).

Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

24. In February 2012, the Subcommittee on Prevention of Torture established a working group on reprisals, composed of six Subcommittee members, with the mandate to draft a policy on reprisals. In November 2013, the working group formulated proposals, which were reflected in the seventh annual report of the Subcommittee (see CAT/C/52/2, paras. 63–68). The policy was reviewed and formally adopted by the Subcommittee in February 2015 and posted on the OHCHR website.[4] It will be kept under constant review.

25. The Subcommittee appointed one of its members as its focal point on reprisals to oversee the implementation of the policy, to coordinate the activities of the Subcommittee relating to reprisals and to liaise with the relevant national, regional and international bodies, as appropriate.

26. According to the Subcommittee policy, prior to any visit, the Subcommittee will consider the track record of the relevant State with regard to reprisals, appoint a member of the Subcommittee delegation as its focal point for reprisals, and ask the State to distribute a fact sheet on reprisals and the Subcommittee's reprisals policy to all relevant interlocutors. Areas of concern will be raised by the Subcommittee with the State party, either in a confidential letter or in a meeting with the State party's permanent mission in Geneva.

27. If, during a visit, the Subcommittee is made aware of reprisals carried out by the State party, it will take all appropriate measures. Such measures might include communicating with the appropriate government authorities or with officials responsible for the detention facilities in question in order to highlight areas of concern; communicating with the diplomatic missions of other States parties; conducting follow-up visits to monitor the situation, or asking local national preventive mechanisms or specialized NGOs to conduct such visits; adapting interview techniques; requesting the intervention of other United Nations bodies; speaking to the local or international media; and, in extreme cases, withdrawing the Subcommittee's delegation from the country.

[2] www.ohchr.org/EN/HRBodies/CAT/Pages/ReprisalLetters.aspx.

[3] Available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14137&LangID=E.

[4] Available from www.ohchr.org/EN/HRBodies/OPCAT/Pages/OPCATIntro.aspx.

28. Following each visit, the delegation's focal point for reprisals is responsible for following up on the Subcommittee's concerns and advising the head of the delegation of any measures that need to be implemented to prevent reprisals. The Subcommittee then cooperates with all relevant United Nations bodies and other international, regional and national mechanisms to ensure that reprisals are prevented. It does so by keeping States parties to the Optional Protocol to the Convention against Torture informed of developments relating to reprisals, establishing a database of reprisal cases and cooperating with national preventive mechanisms to promote common policies to prevent reprisals.

29. The Subcommittee met in plenary with the European Committee for the Prevention of Torture in November 2013 and both bodies agreed to join efforts to prevent and respond to reprisals, including by issuing joint statements and policy papers.

Human Rights Committee

30. In its concluding observations with respect to two States parties, the Human Rights Committee urged the States parties to take the measures necessary to protect individuals who had provided information to the Committee.[5] The Committee had expressed concern that such individuals had been the subject of pressure or threats for having provided the Committee with information under the reporting procedure.

31. In July 2014, the Human Rights Committee appointed a rapporteur on reprisals.

Committee on Economic, Social and Cultural Rights

32. In concluding observations, the Committee on Economic, Social and Cultural Rights urged two States parties to protect human rights defenders and labour activists, as well as their lawyers, against any form of intimidation, harassment, threat, arrest, detention or retaliation, including for taking up cases of violations of economic, social and cultural rights.[6] The Committee also called on the States parties to ensure that all allegations of reprisals and abuse were promptly and thoroughly investigated, and that perpetrators were brought to justice.

33. In November 2014, the Committee appointed a focal point on reprisals.

Committee on Enforced Disappearances

34. In November 2013, the Committee on Enforced Disappearances adopted a document on the relationship of the Committee with civil society actors, in which it referred to reprisals (see CED/C/3, paras. 25–26). In order to protect civil society actors who have sought to address and/or cooperate or have addressed and/or cooperated with the Committee, from intimidation, persecution or reprisal, the Committee may consider, at its discretion or at the request of the author, that the information, documentation and statements received be kept confidential and decide not to make them public.

35. Civil society actors, in particular NGOs, also play an important role in providing to the Committee reports on cases of intimidation, persecution or reprisal against any individual who has sought to address and/or cooperate or has addressed and/or cooperated with the Committee, by submitting information in relation to the States parties' reporting procedure under article 29, requests for urgent actions, individual communications or information relevant to violations of the Convention or by having met the Committee during its country visits.

[5] See CCPR/C/MDV/CO/1 and CCPR/C/KGZ/CO/2.

[6] See E/C.12/CHN/CO/2 and E/C.12/VNM/CO/2-4.

36. In September 2014, the Committee adopted a document on its relationship with national human rights institutions, in which it referred to reprisals in similar terms as above (see CED/C/6, paras. 39–40).

37. In November 2013, the Committee decided to appoint a rapporteur on reprisals.

Committee on the Rights of Persons with Disabilities

38. In April 2013, the Committee on the Rights of Persons with Disabilities decided to appoint one of its members as a focal point on reprisals. The focal point was tasked to report to the Committee on situations of reprisals against persons and organizations engaging with the work of the Committee and to provide advice to the Committee on the proper course of action to adopt in cases of reprisal. The Committee has addressed situations of reprisal under its early warning and urgent action procedures.

Committee on the Rights of the Child

39. In September 2014, the Committee on the Rights of the Child decided to create the position of rapporteur on reprisals to deal with allegations of reprisals against individuals and groups on the basis of their cooperation with the Committee. In January 2015, the Committee appointed the rapporteur on reprisals.

Committee on the Elimination of All Forms of Racial Discrimination

40. In August 2014, the Committee on the Elimination of All Forms of Racial Discrimination established the position of rapporteur on reprisals and decided to appoint the rapporteur at its following session.

Committee on the Elimination of Discrimination against Women

41. In March 2015, the Committee on the Elimination of Discrimination against Women considered the invitation, extended by the treaty body chairpersons at their twenty-sixth meeting, to establish a rapporteur on reprisals to take such steps as were necessary to prevent, protect against, investigate and pursue accountability for acts of intimidation or reprisals. The Committee decided to mandate its Chairperson and Bureau to deal with allegations of reprisal against individuals as a consequence of communicating or seeking to communicate with the Committee. Accordingly, it decided that the Chairperson, at the request of the Bureau, would bring the matter to the attention of the State party concerned and seek from it written explanations and/or clarifications in relation to allegations received that the State party had failed to ensure that individuals under its jurisdiction were not subjected to any such reprisals.

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

42. The Committee on Migrant Workers will consider at its session in April 2015 the recommendation made by the treaty body chairpersons at their twenty-sixth meeting on establishing a rapporteur on reprisals.

G. Joint statements

43. Enhanced coordination by human rights mechanisms in relation to reprisals was exemplified by the joint statement by the Committee against Torture, the Subcommittee on Prevention of Torture, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, issued on 26 June 2012 to mark the United Nations

International Day in Support of Victims of Torture. In the statement, States were reminded of their obligation to protect and to ensure that individuals did not face reprisals or intimidation for cooperating with United Nations bodies.

44. In November 2013, the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances issued a joint statement making clear that they were vigilant with respect to any form of intimidation and reprisals and welcoming the decision of the Human Rights Council to request the Secretary-General to designate a United Nations-wide senior focal point.

H. Treaty body input to the annual report of the Secretary-General on reprisals

45. Policy developments in the area of reprisals that concerned treaty bodies have been reflected annually in the Secretary-General's reports on reprisals issued between 2011 and 2014.

46. There is no centralized system for documenting cases of reprisals for engagement with treaty bodies, but such cases can be included in the Secretary-General's report on reprisals.

III. United Nations Voluntary Fund for Victims of Torture

47. The United Nations Voluntary Fund for Victims of Torture financially supports civil society organizations that provide direct assistance to victims of torture and their family members. Assistance to victims is understood in a comprehensive manner and includes humanitarian, medical, psychological, social and legal support. In 2015, the Fund will partner with 187 centres of rehabilitation and/or legal clinics, where hundreds of medical doctors, lawyers, psychiatrists, psychologists and social workers protect and promote the human rights of victims by documenting torture and treating its sequelae. The secretariat of the Fund is regularly seized of cases of intimidation and reprisals against those who are supported by the Fund.

48. To address those situations, the Board and the secretariat of the Fund have developed procedures, including the non-disclosure of the name and location of the organization supported, if requested by the applicant. The secretariat of the Fund monitors the situation of the grantees at risk, including, where feasible, in coordination with OHCHR field presences, and channels information to relevant special rapporteurs.

IV. Human Rights Council

49. The question of intimidation and reprisals for cooperating with the United Nations, its representatives and mechanisms in the field of human rights has been discussed, first by the Commission on Human Rights and then by the Human Rights Council, for many years, and has been included in resolutions. In the outcome of the review of its work and functioning, the Human Rights Council strongly rejected any act of intimidation or reprisal against individuals and groups who cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, and urged States to prevent and ensure adequate protection against such acts (see General Assembly resolution 65/281, annex, para. 30).

50. In its resolution 12/2 on cooperation with the United Nations, its representatives and mechanisms in the field of human rights, adopted by consensus in 2009, the Human Rights

Council urged Governments to prevent and refrain from all acts of intimidation or reprisal against those who:

(a) Seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them;

(b) Avail or have availed themselves of procedures established under the auspices of the United Nations for the protection of human rights and fundamental freedoms, and all those who have provided legal or other assistance to them for this purpose;

(c) Submit or have submitted communications under procedures established by human rights instruments, and all those who have provided legal or other assistance to them for this purpose;

(d) Are relatives of victims of human rights violations or of those who have provided legal or other assistance to victims.

51. Several other resolutions adopted by the Human Rights Council touch upon reprisals, for example resolution 24/21, entitled "Civil society space: creating and maintaining, in law and in practice, a safe and enabling environment".

52. Reprisals for cooperation with the Human Rights Council may take place in Geneva or in a defender's home country. Examples include: pressure to prevent travel to Geneva (including arrests and non-deliverance of documents), intimidation of and threats to civil society actors or their families, smear campaigns against those participating or cooperating with the Council, including from government officials, pressure to cancel side events or reconsider panellists at those events, intimidation to remove speakers from NGO speaker lists, and filming and taking photographs of human rights defenders in Geneva.

53. The role of the President of the Human Rights Council is to ensure that the Council proceeds with the appropriate level of dignity and respect in its work to promote and protect human rights, which implies that members of the Council and all observers, including NGOs, must be able to contribute freely to the Council's work. When incidents of harassment of civil society representatives are raised, the President reacts, including through public statements and meetings and exchanges of letters with the delegations of the States concerned.

A. Annual report of the Secretary-General on reprisals

54. The Secretary-General's reporting mandate on reprisals covers cases of intimidation and reprisals for cooperation with the United Nations, its representatives and mechanisms in the field of human rights. In its resolution 12/2, the Human Rights Council invited the Secretary-General to submit to it an annual report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against persons referred to in paragraph 1 of the same resolution, as well as recommendations on how to address the issues of intimidation and reprisals.

55. Consistent with the mandate given to the Secretary-General in resolution 12/2, the report may include cases of intimidation and reprisals due to cooperation with United Nations organizations and specialized agencies in the field of human rights, including cases in relation to the Human Rights Council, its universal periodic review and special procedures; human rights treaty bodies; OHCHR, its field presences and human rights advisers; United Nations country teams; human rights components of peacekeeping missions and other parts of the Secretariat or specialized agencies working in the field of human rights. The report also contains a follow-up section in which information is provided

on cases raised in previous reports. In addition, the report contains information on action taken by various actors to address reprisals and intimidation at the national, regional and international levels. The report is presented annually to the Human Rights Council at its September session.

56. A dedicated e-mail address has been created to receive information on alleged cases of reprisal or to follow up on cases reported in previous reports (reprisals@ohchr.org). The informed consent of the alleged victim is a prerequisite for the information to be included in the Secretary-General's report.

57. As cases reported in the Secretary-General's report show, reprisals may target not only human rights defenders, but anyone who cooperates with the United Nations. It may be a prisoner providing testimony to a mandate holder, an official providing information to a special rapporteur or activists working on development or the environment. Reprisals may also target lawyers or family members of persons cooperating with the United Nations.

B. Human Rights Council resolution 24/24

58. In September 2011, the Human Rights Council decided to convene a panel discussion under agenda item 5 on intimidation or reprisals against individuals and groups who cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights.[7]

59. The panel discussion, which took place in September 2012, provided an opportunity to review the action of all stakeholders on reprisals and make a comprehensive assessment. The main conclusion was the need for unified and coordinated action against reprisals. The panel recommended, inter alia, the designation of a mediator, ombudsman or focal point within the United Nations system on reprisals. The summary report of the panel discussion was presented to the Council in March 2013 (A/HRC/22/34); all States were given the opportunity to provide their reaction to the panel discussion under agenda item 5. A group of 52 States made a joint statement in which they referred to the summary report as a road map for action and indicated that it would form the basis for a resolution to be submitted for consideration in September 2013.

60. In the report submitted by the Secretary-General to the Human Rights Council at its the twenty-fourth session (A/HRC/24/29 and Corr.1), the Secretary-General again referred to the proposal to designate a focal point within the United Nations on reprisals, indicating that it should be thoroughly examined and considered. He reiterated his support for a strong United Nations response to reprisals in a statement to the High-level Event on Supporting Civil Society, convened on 23 September 2013 in New York.[8]

61. In June 2013, the Human Rights Council adopted, by vote, resolution 24/24, in which it, inter alia, requested the Secretary-General, in cooperation with the United Nations High Commissioner for Human Rights, to designate, within the existing structures, a United Nations-wide senior focal point to engage with all stakeholders, in particular Member States, to promote the prevention of, protection against and accountability for reprisals and intimidation related to cooperation with the United Nations, its representatives and mechanisms, and to encourage a prompt and effective unified response to such acts by sensitizing the United Nations system as a whole by facilitating cooperation and coordination among all stakeholders, with the overall objective of supporting and

[7] Decision 18/118.

[8] Available from www.un.org/sg/statements/index.asp?nid=7116.

promoting cooperation with the United Nations in the field of human rights, including cooperation with civil society.

62. The resolution contains other operative elements, such as an encouragement to States to provide information, as appropriate, to the Human Rights Council on all measures taken to prevent and address acts of intimidation or reprisals against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights; an encouragement to States to consider the establishment of a national focal point; and an invitation to the Secretary-General to include, in his annual report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights, information on the activities of the United Nations-wide senior focal point, the different measures hampering cooperation with United Nations human rights mechanisms, and best practices of international, regional and national human rights bodies and institutions that address cases of intimidation or reprisals against those cooperating with them.

63. When considering the report of the Human Rights Council[9] containing resolution 24/24, the General Assembly decided by vote[10] to defer consideration of that resolution until the end of its sixty-eighth session. On 15 September 2014, the Assembly decided to further defer consideration of Human Rights Council resolution 24/24 to its sixty-ninth session.

64. In his reports to the Human Rights Council, the Secretary-General has repeatedly called on the international community to do more to counter reprisals and to consider ways to ensure a stronger and more coordinated response, including at the level of the United Nations. He raised the issue of reprisals against those who advocate for human rights, including through cooperation with the United Nations, in his statement to the Council in September 2012. Both the Secretary-General and the High Commissioner have supported the designation of a United Nations focal point on reprisals.

V. Special procedures of the Human Rights Council

65. Intimidation and reprisals can occur in relation to those who send information to special procedures mandate holders, participate in their meetings or cooperate with them in the context of their country visits. Mandate holders are often concerned about the security of the persons they have met during their visits and are not in a position to provide them with the necessary protection.

66. In several resolutions of the Human Rights Council establishing or renewing the mandates of special procedures, the importance of working with individuals from civil society and receiving information from all credible sources, including victims of violations, has been highlighted. The ability of victims, their family members, witnesses, human rights defenders and members of civil society to raise concerns with the mandate holders without fear of retaliation is vital to the ability of mandate holders to discharge their respective mandates. In certain resolutions on mandates of special procedures, such as those of the Working Group on Arbitrary Detention and the Special Rapporteur on the question of torture, the Human Rights Council makes specific reference to the issue of reprisals.

67. The terms of reference for fact-finding missions by special rapporteurs and representatives of the Commission on Human Rights, which were assumed by the mandate holders of the Human Rights Council, stipulate that special procedures should be given

[9] *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53* (A/68/53).
[10] Resolution 68/144.

assurance by Governments that "no persons, official or private individuals who have been in contact with the special rapporteur/representative in relation to the mandate will for this reason suffer threats, harassment or punishment or be subjected to judicial proceedings" (see E/CN.4/1998/45, annex V).

68. Addressing reprisals and intimidation against those who cooperate with the United Nations in the field of human rights has been a priority for special procedures for many years. They have consistently raised concerns individually and as a system. Special procedures mandate holders do not limit themselves to addressing allegations of intimidation and reprisals in relation to cooperation with special procedures; they also address reprisals against individuals and groups for cooperating with the United Nations, its representatives and mechanisms in the field of human rights.

69. The Manual of Operations of the Special Procedures of the Human Rights Council contains guiding principles on reprisals for special procedures mandate holders; namely, they are to take all feasible precautions in carrying out their mandate, in particular as it relates to communications and country visits, to ensure that sources of information are not subjected to retaliation. The Manual specifies that the source is normally kept confidential in communications sent to Governments, unless the source agrees to have its identity revealed, and that in discussions with Government representatives during a country visit mandate holders must receive appropriate guarantees from the Government, preferably in writing, to ensure the protection of witnesses and the absence of reprisals against any person cooperating with the mission in any way. The special procedures are considering revising the Manual to include a specific chapter on reprisals and practical recommendations. The induction training for new mandate holders also draws special attention to the issue of reprisals.

70. Special procedures rely on a variety of actions when faced with cases of intimidation and reprisals. They include confidential and public actions, including meeting with government officials, sending communications to States and other stakeholders, raising the cases with United Nations representatives in the field and at headquarters, including the Secretary-General, the High Commissioner and the President of the Human Rights Council, and raising the cases in public statements, press releases and reports to the Council and the General Assembly or during their interactive dialogues with those two bodies. All options are considered on a case-by-case basis, always with the consent of the persons concerned and in line with the principle of "do no harm".

71. Increasingly, special procedures are acting jointly on such cases, thereby maximizing their impact. The identification and determination of the different mandates to be involved is made by the mandate holders based on the specificities of each case. In addition, the Coordination Committee of special procedures can assist in raising awareness about cases when requested by the relevant mandate holders. In taking action against reprisals, special procedures have consistently expressed their willingness to contribute to and support a coherent response of the United Nations system as a whole to reprisals.

72. Intimidation and reprisals against those who cooperate with the United Nations in the field of human rights, in particular with special procedures, has been discussed as a matter of priority during annual meetings of special procedures.[11] It is also a priority for the Coordination Committee, which can assist mandate holders in addressing specific cases and raise them with relevant interlocutors. Special procedures also raise the issue systematically with the Secretary-General, the High Commissioner, the President of the Human Rights Council and other United Nations representatives. Furthermore, it is part of their regular

[11] See the past two reports, A/HRC/28/41 and A/HRC/24/55 and Corr.1.

dialogue and cooperation with regional organizations, NGOs and national human rights institutions.

73. Several special procedures mandate holders have established standard operating procedures to address and give visibility to cases of reprisals to help curb this phenomenon. For example, the Special Rapporteur on extrajudicial, summary or arbitrary executions dedicated a part of his 2009 report to the Human Rights Council (A/HRC/11/2) to the protection of persons cooperating with special procedures from reprisals. The Working Group on Arbitrary Detention also decided to include in its annual report any case brought to its attention of reprisals for cooperation with the Working Group. The Working Group on Enforced or Involuntary Disappearances, in its report to the Council at its twenty-seventh session (A/HRC/27/49), also referred to reprisals.

74. The Special Rapporteur on the situation of human rights defenders indicated in the report she submitted to the Human Rights Council in 2014 (A/HRC/25/55 and Add.3) that during her tenure she had sent out approximately 50 communications on cases of reprisals. The new Special Rapporteur on the situation of human rights defenders indicated in his first reports to the Human Rights Council (A/HRC/28/63) and the General Assembly (A/69/259), in which he outlined his vision for his mandate, that addressing intimidation and reprisals would be among his priorities.

75. Special procedures have also used public opportunities to raise awareness about reprisals. In June 2013, for example, special procedures issued a joint declaration marking the twentieth anniversary of the adoption of the Vienna Declaration and Programme of Action, stressing that special procedures confronted challenges in discharging their mandates, including intimidation and reprisals against those who cooperated with them. The special procedures recommended that States refrain from any act of intimidation and reprisal against those who cooperate with the United Nations in the field of human rights, exercise due diligence to prevent non-State entities from such acts, and ensure adequate protection for those who are subjected to such acts.

Annexes

Annex I

Provisions on reprisals in human rights treaties and their optional protocols

Treaty	*Relevant article*
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Article 13. Each State party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.
Optional Protocol to the Convention against Torture	Article 15. No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the Subcommittee on Prevention or to its delegates any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.
International Convention for the Protection of All Persons from Enforced Disappearance	Article 12, paragraph 1. Each State Party shall ensure that any individual who alleges that a person has been subjected to enforced disappearance has the right to report the facts to the competent authorities, which shall examine the allegation promptly and impartially and, where necessary, undertake without delay a thorough and impartial investigation. Appropriate steps shall be taken, where necessary, to ensure that the complainant, witnesses, relatives of the disappeared person and their defence counsel, as well as persons participating in the investigation, are protected against all ill-treatment or intimidation as a consequence of the complaint or any evidence given. Article 12, paragraph 4. Each State Party shall take the necessary measures to prevent and sanction acts that hinder the conduct of an investigation. It shall ensure in particular that persons suspected of having committed an offence of enforced disappearance are not in a position to influence the progress of an investigation by means of pressure or acts of intimidation or reprisal aimed at the complainant, witnesses, relatives of the disappeared person or their defence counsel, or at persons participating in the investigation.
Optional Protocol to the Convention on the Rights of the Child on a communications procedure	Article 4, paragraph 1. A State party shall take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to any human rights violation, ill-treatment or intimidation as a consequence of communications or cooperation with the Committee pursuant to the present Protocol. Article 4, paragraph 2. The identity of any individual or group of individuals concerned shall not be revealed publicly without their express consent.
Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	Article 13. A State Party shall take all appropriate measures to ensure that individuals under its jurisdiction are not subjected to any form of ill-treatment or intimidation as a consequence of communicating with the Committee pursuant to the present Protocol.

Treaty	*Relevant article*
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	11: A State Party shall take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to ill-treatment or intimidation as a consequence of communicating with the Committee pursuant to the present Protocol.

Annex II

Clauses on reprisals in rules of procedure of treaty bodies

Treaty body	*Relevant rule of procedures*
Committee on Economic, Social and Cultural Rights	Where the Committee receives reliable information that a State party has not complied with its obligations under article 13 of the Optional Protocol to take all appropriate measures to ensure that individuals under its jurisdiction are not subjected to any form of ill-treatment or intimidation, it may seek from the State party concerned written explanations or statements clarifying the matter and describing any action it is taking to ensure that its obligations under article 13 are fulfilled. Thereafter, the Committee may request the State party to adopt and take urgently all appropriate measures to stop the breach reported (E/C.12/49/3, rule 20, for communications; rule 35, for inquiries).
Committee on the Elimination of Discrimination against Women	The Committee shall inform the State party that it shall take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to ill-treatment or intimidation as a consequence of participating in any hearings in connection with an inquiry [conducted by the Committee], or with meeting the designated members of the Committee conducting the inquiry (HRI/GEN/3/Rev.3, rule 87, para. 4), or as a consequence of communicating with the Committee under the Optional Protocol (ibid., rule 91, para. 1).
Committee on the Rights of the Child (communications procedure)	When the Committee receives reliable information that a State party has not complied with its obligations under article 4, paragraph 1, of the Protocol to take all appropriate measures to ensure that individuals under its jurisdiction are not subjected to any human rights violations, ill-treatment or intimidation as a consequence of communications or cooperation with the Committee, it may request the State party to adopt and take all appropriate measures urgently to stop the breach reported and submit written explanations and clarifications thereon to the Committee. Compliance with this request shall be monitored. The Committee may also issue public statements in this regard and take such action as may be appropriate (CRC/C/62/3, rule 4).
Committee on the Rights of Persons with Disabilities	The Committee shall inform the State party that it shall take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to ill-treatment or intimidation as a consequence of participating in any hearings in connection with an inquiry or with meeting the designated members of the Committee conducting the inquiry (CRPD/C/1, rule 87, para. 4). The Committee, in line with General Assembly resolution 68/268 … strongly condemns all acts of intimidation and reprisals towards individuals and organizations for their contribution to the work of the Committee. The Committee will appoint… a focal point on reprisals who will follow-up and provide advice on situations concerning these cases (Guidelines on the participation of disabled persons' organizations and civil society organizations in the work of the Committee (CRPD/C/11/2, annex II, para. 31), which are an integral part of the Committee's rules of procedure, rule 30, para. 4).
Committee on Enforced Disappearances	Cases of intimidation, persecution or reprisal against relatives of disappeared persons, witnesses to disappearances or their families, members of organizations of relatives and other non-governmental organizations, human rights defenders or individuals concerned with disappearances shall be transmitted by the Committee to the pertinent authorities of the State party, with the request that they take steps to protect persons affected (CED/C/1, rule 63, para. 2).

I. Introduction

1. Treaty bodies publish authoritative guidance on the provisions of their respective human rights treaties in the form of general comments or general recommendations.[1] To date, eight out of 10 treaty bodies have adopted general comments or general recommendations.[2]

2. General comments constitute detailed and comprehensive commentaries on specific treaty provisions or on the relationship between treaty provisions and specific themes. They may also provide guidance to States on information to be included in State party reports. Over time, general comments have evolved, becoming longer and more complex.

3. By issuing general comments, treaty bodies aim to make the experience gained through State party reviews and, when relevant, through individual communications, available to all States parties, as well as stakeholders, in order to facilitate the interpretation of the treaties and thereby advance implementation by States parties of the treaty provisions for the benefit of rights holders.

4. Certain treaties explicitly endow treaty bodies with the mandate to prepare general comments.[3] The purpose of and process for drafting general comments is described in most committees' rules of procedure or working methods.[4]

5. The General Assembly, in paragraph 38 of its resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, encouraged the human rights treaty bodies, with a view to accelerating the harmonization of the treaty body system, to continue to enhance the role of their chairpersons in relation to procedural matters, including with respect to formulating conclusions on issues related to working methods and procedural matters, promptly generalizing good practices and methodologies among all treaty bodies, ensuring coherence across the treaty bodies and standardizing working methods.

6. In paragraph 14 of that same resolution, the General Assembly encouraged the human rights treaty bodies to develop an aligned consultation process for the elaboration of general comments that provides for consultation with States parties in particular and bears in mind the views of other stakeholders during the elaboration of new general comments.

7. At their twenty-sixth meeting, the treaty body chairpersons decided to consider the possible alignment of the consultation process for the elaboration of general comments by treaty bodies at their twenty-seventh meeting (see A/69/285, para. 115 (c)).

8. Currently, there are differences, sometimes significant ones, in the consultation processes used by the treaty bodies in the elaboration of general comments. Moreover, a single treaty body may use different processes depending on the subject matter of the

[1] The latter term is used by the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination.

[2] The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Committee on Enforced Disappearances have not yet issued general comments. The Subcommittee on Prevention of Torture has, however, provided guidance similar to general comments to States parties on procedural or substantive issues.

[3] See the International Convention on the Elimination of All Forms of Racial Discrimination (art. 9), the Convention on the Elimination of All Forms of Discrimination against Women (art. 21) and the International Covenant on Civil and Political Rights (art. 40 (4)).

[4] See the rules of procedure of the Committee on Economic, Social and Cultural Rights (rule 65), the Committee against Torture (rule 74) and the Committee on the Rights of the Child (rule 77), as well as the working methods of the Committee on the Elimination of Discrimination against Women (arts. 27-29) and of the Committee on the Rights of Persons with Disabilities (arts. 54-57).

general comment or the context in which it is conceived. Hence, the present note is limited to giving a broad overview of existing treaty body practices, describing general trends.

II. Treaty body consultation processes for the elaboration of general comments

9. All eight treaty bodies that have developed general comments require a formal decision taken by the committee in plenary or by its bureau to initiate the drafting of a general comment.

10. All eight treaty bodies that have developed general comments have entrusted the preparation of such comments to a working group composed of several treaty body members or have entrusted one or two rapporteurs with drafting and overseeing the preparatory process. Some treaty bodies seek the assistance of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other United Nations entities or external consultants for the drafting of the first version of a general comment.

11. Six out of the eight treaty bodies that have issued general comments (all except the Committee against Torture and the Committee on the Rights of the Child) organize a public discussion on the subject of the general comment being elaborated. Such general discussions usually constitute the first step towards drafting a general comment.

12. In addition to considering written submissions received and oral interventions made during general discussions, the majority of the eight treaty bodies inform States parties of the elaboration of a general comment and explicitly solicit States parties' feedback on a draft general comment. Depending on the theme of the general comment, most treaty bodies specifically solicit feedback from United Nations entities and national human rights institutions. Most treaty bodies also explicitly seek comments from civil society organizations. Frequently, treaty bodies also seek comments from academic and technical experts.

13. Six out of the eight treaty bodies that have issued general comments (all except the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination) have posted advanced versions of draft general comments on the OHCHR website.

14. While the formal adoption of general comments, either separately or as part of a report, is standard procedure, not all committees discuss the adoption of a general comment in public.

III. Elements for endorsement by the treaty body chairpersons

15. On the basis of existing practices and with a view to accelerating the harmonization of the treaty body system, ensuring coherence across the treaty bodies and standardizing working methods, the chairpersons may consider endorsing the following elements for the elaboration of and consultations on general comments and recommending their generalization among all treaty bodies that issue general comments:

(a) The decision to draft a general comment is made in plenary;

(b) Each time a treaty body initiates the drafting of a general comment, a working group composed of treaty body members or a rapporteur is appointed and entrusted drafting the general comment;

(c) A note describing the consultation process for general comments is made publicly available;

(d) States parties are informed of the decision to elaborate a general comment and given the opportunity to provide input, comments or feedback;

(e) Draft general comments are shared with other treaty bodies for input, comments or feedback, with a view to strengthening the coherence of treaty law interpretation;

(f) Advance versions of draft general comments are posted on the OHCHR website to make them accessible to a broad range of stakeholders;

(g) Input, comments or feedback received from States parties, other treaty bodies, national human rights institutions and civil society organizations are taken into consideration by the treaty body, as appropriate.

United Nations HRI/MC/2015/5

International Human Rights Instruments

Distr.: General
13 April 2015

Original: English
English, French and Spanish only

Twenty-seventh meeting of chairpersons of the human rights treaty bodies
San José, 22–26 June 2015
Item 4 (d) of the provisional agenda
Follow-up to General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system and to the conclusions and recommendations of the twenty-sixth meeting of chairpersons: reporting compliance by States

Timely, late and non-reporting by States parties to the human rights treaty bodies

Note by the Secretariat

Summary

At their twenty-sixth meeting, in 2014, the treaty body chairpersons reaffirmed the decision taken at their twenty-fifth meeting to include the issue of late and non-reporting by States parties as a standing item on the agenda of their annual meeting. The present note contains an overview of reporting compliance by States parties as at 28 February 2015. Reporting is a dynamic process and the data included in this note is regularly updated on the website of the Office of the United Nations High Commissioner for Human Rights (www.ohchr.org).

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I. Background

1. States parties have an obligation to report periodically under the nine core international human rights treaties and two optional protocols: the International Covenant on Civil and Political Rights (1966); the International Covenant on Economic, Social and Cultural Rights (1966); the International Convention on the Elimination of All Forms of Racial Discrimination (1965); the Convention on the Elimination of All Forms of Discrimination against Women (1979); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); the Convention on the Rights of the Child (1989) and its two optional protocols (2000), on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); the Convention on the Rights of Persons with Disabilities (2006); and the International Convention for the Protection of All Persons from Enforced Disappearance (2006).

2. The chairpersons of the human rights treaty bodies, at their twenty-fifth annual meeting, in May 2013, expressed deep concern over late reporting and non-reporting by a number of States parties to international human rights treaties. On the basis of the annual reports of the respective treaty bodies, the chairpersons recommended that the secretariat provide regular updates on late reporting and non-reporting and place them on the website of the Office of the United Nations High Commissioner for Human Rights (www.ohchr.org). The chairpersons also decided to include the issue of late and non-reporting by States parties as a standing item on the agenda of the meeting (see A/68/334, para. 47).

3. At their twenty-sixth meeting, in 2014, the treaty body chairpersons welcomed the recommendation made at their twenty-fifth meeting that OHCHR place information on timely, late and non-reporting by States parties on its website. They recommended that the web page be updated on an ongoing basis. Furthermore, they reaffirmed the decision taken at their twenty-fifth meeting to include the issue of late and non-reporting by States parties as a standing item on the agenda of their annual meeting (see A/69/285, para. 112).

4. In paragraph 32 of its resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, the General Assembly recognized that States had a legal obligation under the international human rights treaties to which they were party to periodically submit to the relevant human rights treaty bodies reports on the measures they had taken to give effect to the provisions of the relevant treaties, and noted the need to increase the level of compliance in that regard. In that same resolution, the Assembly invited States parties, as applicable and as an exceptional measure, with a view to achieving greater compliance with reporting obligations by States parties and eliminating the backlog of reports and in agreement with the relevant treaty body, to submit one combined report to satisfy their reporting obligations to the treaty body for the entire period for which reports to that treaty body were outstanding at the time of the adoption of the resolution.

5. The present note contains an overview of reporting compliance by States parties as at 28 February 2015. Reporting is a dynamic process and the data included in the note is regularly updated on the OHCHR website.

II. Reporting obligations of States parties under international human rights treaties

6. Nine core international human rights treaties and two optional protocols establish a reporting obligation for States parties. Once a State has acceded or ratified a human rights treaty, it is required to submit its initial report within one or two years after the treaty enters into force and, thereafter, periodic reports at intervals specified by the relevant treaty or committee. In most cases, the treaty explicitly sets out a timetable for the submission of initial and periodic reports, commonly referred to as the "reporting periodicity", on the basis of the date of entry into force of the treaty in the specific State party. The reporting periodicity, by treaty, is presented in table 1.[1]

Table 1
Reporting periodicity, by treaty

Treaty	*Initial report due (following ratification) within*	*Periodic reports due thereafter every*
ICERD	1 year	2 years
ICESCR	2 years	5 years
ICCPR	1 year	3, 4, 5 and 6 years
CEDAW	1 year	4 years
CAT	1 year	4 years
CRC	2 years	5 years
ICRMW	1 year	5 years
CRC-OPSC	2 years	5 years or with next report to the Committee on the Rights of the Child
CRC-OPAC	2 years	5 years or with next report to the Committee on the Rights of the Child
CRPD	2 years	4 years
ICPPED	2 years	As requested by the Committee on Enforced Disappearances (art. 29 (4))

[1] In tables, the following abbreviations are used: ICERD, International Convention on the Elimination of All Forms of Racial Discrimination; ICESCR, International Covenant on Economic, Social and Cultural Rights; ICCPR, International Covenant on Civil and Political Rights; CEDAW, Convention on the Elimination of All Forms of Discrimination against Women; CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; CRC, Convention on the Rights of the Child; ICRMW, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; CRC-OPSC, Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; CRC-OPAC, Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; CRPD, Convention on the Rights of Persons with Disabilities; ICPPED, International Convention for the Protection of All Persons from Enforced Disappearance.

7. In the case of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, no specific periodicity is envisaged in the treaties. Article 40 of the International Covenant on Civil and Political Rights, however, gives the Human Rights Committee discretion to decide when periodic reports shall be submitted. The Committee requests that periodic reports be submitted every three to six years following State party review, depending on the situation. Article 17 of the International Covenant on Economic, Social and Cultural Rights gives the Economic and Social Council discretion to establish the reporting frequency for the Covenant. Pursuant to the International Convention on the Elimination of All Forms of Racial Discrimination, States parties to that Convention must report every two years but are allowed to merge two reports in one, which creates a de facto periodicity of four years. Although the International Convention for the Protection of All Persons from Enforced Disappearance does not provide for periodic reports, pursuant to article 29, paragraph 4, of the Convention, the Committee on Enforced Disappearances may request States parties to provide additional information on the implementation of the Convention, depending on their level of compliance with its provisions.

III. Reporting compliance by States parties as at 28 February 2015

A. States parties without overdue reports

8. Twenty-nine of the 196 States parties have submitted all the reports due under the relevant international human rights treaties and protocols (see table 2). Although some of the States parties have ratified fewer than five human rights instruments, the majority of compliant States are party to a large number of treaties (8-10).

Table 2
States parties without overdue reports as at 28 February 2015

State party	*Number of ratifications or accessions to international human rights treaties and optional protocols with a reporting procedure*	*State party*	*Number of ratifications or accessions to international human rights treaties and optional protocols with a reporting procedure*
Azerbaijan	10	Norway	9
Belgium	10	Oman	6
Bhutan	4	Portugal	10
Czech Republic	9	Qatar	7
Guatemala	10	Russian Federation	9
Holy See	5	Singapore	4
Iraq	10	Slovakia	10
Kazakhstan	9	Spain	10
Kuwait	9	Switzerland	9
Kyrgyzstan	9	The former Yugoslav Republic of Macedonia	9

State party	*Number of ratifications or accessions to international human rights treaties and optional protocols with a reporting procedure*	*State party*	*Number of ratifications or accessions to international human rights treaties and optional protocols with a reporting procedure*
Lithuania	10	Tuvalu	3
Montenegro	10	United States of America	5
New Zealand	9	Uzbekistan	8
Niue	1	Venezuela (Bolivarian Republic of)	9
Total: 29 States parties			

B. Status of overdue reports, by State party

9. The number of overdue initial and periodic reports by State party ranges from 1 to 10. One State party has 10 overdue reports; 5 States parties have 9 overdue reports; 3 States parties have 8 overdue reports; 7 States parties have 7 overdue reports; 19 States parties have 6 overdue reports; 21 States parties have 5 overdue reports; 23 States parties have 4 overdue reports; 24 States parties have 3 overdue reports; 31 States parties have 2 overdue reports and 32 States parties have 1 overdue report (see table 3).

Table 3
Number of overdue reports, by State party, as at 28 February 2015

Number of overdue reports	*States parties*
10	Nigeria (1 State party)
9	Cabo Verde, Lesotho, Mali, Niger, San Marino (5 States parties)
8	Libya, Saint Vincent and the Grenadines, Swaziland (3 States parties)
7	Afghanistan, Bahrain, Botswana, Dominica, Panama, Seychelles, Vanuatu (7 States parties)
6	Bangladesh, Belize, Benin, Bolivia (Plurinational State of), Brazil, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Guinea, Guinea-Bissau, Indonesia, Lebanon, Mauritania, Mozambique, Nicaragua, Pakistan, Romania, Senegal, Syrian Arab Republic (19 States parties)
5	Burkina Faso, Chad, Congo, Djibouti, Eritrea, Gabon, Grenada, Guyana, Hungary, India, Jamaica, Lao People's Democratic Republic, Liberia, Liechtenstein, Malaysia, Saudi Arabia, Sri Lanka, Timor-Leste, Tunisia, Uganda, Zambia (21 States parties)
4	Algeria, Antigua and Barbuda, Australia, Bahamas, Barbados, Burundi, Cambodia, Cameroon, Central African Republic, Democratic People's Republic of Korea, Egypt, Georgia, Honduras, Malawi, Malta, Nauru, Papua New Guinea, Republic of Moldova, Serbia, Somalia, South Africa, Trinidad and Tobago, Zimbabwe (23 States parties)

Number of overdue reports	*States parties*
3	Comoros, Croatia, Cuba, Ethiopia, Gambia, Ghana, Iran (Islamic Republic of), Kenya, Latvia, Luxembourg, Madagascar, Maldives, Mauritius, Monaco, Morocco, Namibia, Saint Kitts and Nevis, Sierra Leone, Solomon Islands, Suriname, Togo, Tunisia, United Republic of Tanzania, Yemen (24 States parties)
2	Andorra, Angola, Argentina, Belarus, Chile, China, Colombia, Cyprus, Dominican Republic, Ecuador, El Salvador, Greece, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kiribati, Marshall Islands, Micronesia (Federated States of), Mongolia, Myanmar, Palau, Rwanda, Saint Lucia, Samoa, Tajikistan, Thailand, Tonga, United Arab Emirates (31 States parties)
1	Albania, Austria, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Canada, Cook Islands, Costa Rica, Denmark, Estonia, Fiji, Finland, France, Germany, Haiti, Mexico, Nepal, Netherlands, Paraguay, Peru, Philippines, Poland, Republic of Korea, Sao Tome and Principe, Slovenia, Sudan, Sweden, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Viet Nam (32 States parties)

10. In terms of overdue initial reports, 1 State party has 7 reports pending; 9 States parties have 6 reports pending; 9 States parties have 5 reports pending; 15 States parties have 4 reports pending; 14 States parties have 3 reports pending; 28 States parties have 2 reports pending; and 45 States parties have 1 report pending (see table 4).

Table 4
Number of overdue initial reports, by State party, as at 28 February 2015

Number of overdue initial reports	*States parties*
7	Cabo Verde (1 State party)
6	Dominica, Lesotho, Mali, Niger, Nigeria, Saint Vincent and the Grenadines, San Marino, Swaziland, Vanuatu (9 States parties)
5	Bahrain, Bangladesh, Eritrea, Grenada, Guinea-Bissau, Liberia, Pakistan, Seychelles, Timor-Leste (9 States parties)
4	Belize, Benin, Bolivia (Plurinational State of), Burkina Faso, Djibouti, Equatorial Guinea, Guinea, Indonesia, Jamaica, Lao People's Democratic Republic, Malawi, Mauritania, Mozambique, Nauru, Senegal (15 States parties)
3	Afghanistan, Botswana, Congo, Côte d'Ivoire, Gabon, Guyana, Libya, Malaysia, Maldives, Namibia, Panama, Romania, Saudi Arabia, Somalia (14 States parties)
2	Andorra, Angola, Antigua and Barbuda, Bahamas, Brazil, Burundi, Central African Republic, Chad, Comoros, Cuba, Cyprus, Dominican Republic, Georgia, Ghana, Honduras, Lebanon, Mauritius, Monaco, Myanmar, Papua New Guinea, Samoa, Sierra Leone, South Africa, Tajikistan, Togo, Tunisia, Turkey, Zambia (28 States parties)

Number of overdue initial reports	*States parties*
1	Albania, Algeria, Austria, Brunei Darussalam, Cambodia, Cameroon, Chile, Colombia, Costa Rica, Croatia, Democratic Republic of the Congo, Ecuador, Egypt, Estonia, Finland, France, Gambia, Greece, India, Iran (Islamic Republic of), Israel, Japan, Kenya, Kiribati, Liechtenstein, Malta, Marshall Islands, Micronesia (Federated States of), Nicaragua, Palau, Peru, Rwanda, Saint Kitts and Nevis, Saint Lucia, Sao Tome and Principe, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tonga, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Zimbabwe (45 States parties)

11. In terms of overdue periodic reports, 5 States parties have 5 reports pending; 16 States parties have 4 reports pending; 20 States parties have 3 reports pending; 45 States parties have 2 reports pending; and 56 States parties have 1 report pending (see table 5).

Table 5
Number of overdue periodic reports, by State party, as at 28 February 2015

Number of overdue periodic reports	*States parties*
5	Democratic Republic of the Congo, Hungary, Libya, Nicaragua, Syrian Arab Republic (5 States parties)
4	Afghanistan, Australia, Barbados, Botswana, Brazil, Democratic People's Republic of Korea, India, Lebanon, Liechtenstein, Nigeria, Panama, Republic of Moldova, Serbia, Sri Lanka, Trinidad and Tobago, Uganda (16 States parties)
3	Algeria, Cambodia, Cameroon, Chad, Egypt, Ethiopia, Latvia, Lesotho, Luxembourg, Madagascar, Mali, Malta, Morocco, Niger, Romania, San Marino, Solomon Islands, Tunisia, Zambia, Zimbabwe (20 States parties)
2	Antigua and Barbuda, Argentina, Bahamas, Bahrain, Belarus, Belize, Benin, Bolivia (Plurinational State of), Burundi, Cape Verde, Central African Republic, Congo, Côte d'Ivoire, Croatia, El Salvador, Equatorial Guinea, Gabon, Gambia, Georgia, Guinea, Guyana, Honduras, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jordan, Kenya, Malaysia, Mauritania, Mongolia, Mozambique, Papua New Guinea, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, South Africa, Suriname, Swaziland, Thailand, United Republic of Tanzania, Yemen (45 States parties)
1	Armenia, Bangladesh, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Comoros, Cook Islands, Cuba, Denmark, Djibouti, Dominica, Ecuador, Fiji, Germany, Ghana, Greece, Guinea-Bissau, Haiti, Israel, Jamaica, Japan, Kiribati, Lao People's Democratic Republic, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Nepal, Netherlands, Pakistan, Palau, Paraguay, Philippines, Poland, Republic of Korea, Rwanda, Saint Lucia, Sierra Leone, Slovenia, Somalia, Sweden, Togo, Tonga, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Vanuatu, Viet Nam (56 States parties)

IV. Reporting status, by treaty, as at 28 February 2015

12. As at 28 February 2015, 614 reports (309 initial reports and 305 periodic reports), or 38 per cent of all reports to be submitted to the treaty bodies, were overdue. The International Convention on the Elimination of All Forms of Racial Discrimination (54 per cent), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (49 per cent), the International Convention for the Protection of All Persons from Enforced Disappearance (49 per cent) and the International Covenant on Civil and Political Rights (48 per cent) had the highest proportion of States parties that were not complying with their reporting obligations under the respective treaty or that were not complying in a timely manner (see table 6).

Table 6
Overdue reports, by treaty, as at 28 February 2015

		Overdue initial reports		*Overdue periodic reports*		
Treaty	*Number of States parties (a)*	*Number (b)*	*Percentage (b)÷(a)*	*Number (c)*	*Percentage (c)÷[(a)–(b)]*	*Total number of overdue reports (percentage)*
ICCPR	168	22	13	59	40	81
ICESCR	164	28	17	37	27	65
ICERD	177	15	8	81	50	96
CAT	157	27	17	39	22	66
CEDAW	188	7	4	46	25	53
CRC	194	2	1	39	20	41
CRC-OPSC[a]	159	70	44	-	-	70
CRC-OPAC[a]	169	46	27	-	-	46
ICRMW	47	19	40	4	14	23
CRPD	152	51	34	0	0	51
ICPPED[b]	45	22	49	-	-	22
Total	**1 620**	**309**	**19**	**305**	**19**	**614 (38)**

Note: The data in the table are based on original due dates. Several committees, however, have made it possible for States parties with overdue reports to use the simplified reporting procedure. States parties that have availed themselves of that procedure have been given new due dates.

[a] Pursuant to article 12, paragraph 2, of the Optional Protocol on the sale of children, child prostitution and child pornography and article 8, paragraph 2 of the Optional Protocol on the involvement of children in armed conflict, following the submission of the comprehensive report, each State party shall include in the reports they submit to the Committee on the Rights of the Child, in accordance with article 44 of the Convention on the Rights of the Chiló, any further information regarding the implementation of the respective protocol.

[b] Pursuant to article 29, paragraph 1, of the International Convention for the Protection of All Persons from Enforced Disappearance, States parties are required to submit a report. Pursuant to article 29, paragraph 4, of the Convention, they may also be required to provide additional information on the implementation of the Convention.

13. With regard to initial reports that States parties are required to submit within one or two years after the treaty enters into force in that State, the treaties for which the highest number of initial reports were overdue are the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (70),

the Convention on the Rights of Persons with Disabilities (51), the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (46), the International Covenant on Economic, Social and Cultural Rights (29), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (27), the International Covenant on Civil and Political Rights and the International Convention for the Protection of All Persons from Enforced Disappearance (22), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (19), the International Convention on the Elimination of All Forms of Racial Discrimination (15), the Committee on the Elimination of Discrimination against Women (7) and the Convention on the Rights of the Child (2). The International Convention for the Protection of All Persons from Enforced Disappearance (49 per cent), the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (44 per cent) and the Convention on the Rights of Persons with Disabilities (34 per cent) have the highest proportion of non-reporting States parties (see table 6).

14. Of the 309 overdue initial reports, 144 (47 per cent) were less than 5 years overdue, 77 reports (25 per cent) were between 5 and 10 years overdue and 88 reports (28 per cent) were more than 10 years overdue. In the case of the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child, more than half of the overdue initial reports were more than 10 years overdue (see table 7).

Table 7
Overdue initial reports, by length of time and treaty, as at 28 February 2015

		Length of time		
Treaty	*Number of overdue initial reports*	*Number of reports less than 5 years overdue (percentage)*	*Number of reports between 5 and 10 years overdue (percentage)*	*Number of reports more than 10 years overdue (percentage)*
ICCPR	22	5	7	10
ICESCR	28	3	6	19
ICERD	15	3	3	9
CAT	27	7	4	16
CEDAW	7	1	3	3
CRC	2	0	0	2
CRC-OPSC	70	26	29	15
CRC OPAC	46	21	15	10
ICRMW	19	7	8	4
CRPD	51	49	2	0
ICPPED	22	22	0	0
Total	**309**	**144 (47)**	**77 (25)**	**88 (28)**

15. The treaties with the highest number of overdue periodic reports were the International Convention on the Elimination of All Forms of Racial Discrimination (81), the International Covenant on Civil and Political Rights (59), the Convention on the Elimination of All Forms of Discrimination against Women (46), the Convention on the Rights of the Child (39), the International Covenant on Economic, Social and Cultural

Rights (37) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (29). The International Convention on the Elimination of All Forms of Racial Discrimination (46 per cent), the International Covenant on Civil and Political Rights (35 per cent), the Convention on the Elimination of All Forms of Discrimination against Women (24 per cent) and the International Covenant on Economic, Social and Cultural Rights (23 per cent) had the highest proportion of late-reporting States parties (see table 6).

16. Of the 305 overdue periodic reports, 184 (60 per cent) were less than 5 years overdue, 66 (22 per cent) were between 5 and 10 years overdue and 55 (18 per cent) were more than 10 years overdue. The International Covenant on Civil and Political Rights had the highest number of periodic reports that had been overdue for more than 10 years (19), followed by the International Convention on the Elimination of All Forms of Racial Discrimination (16) (see table 8).

Table 8
Overdue periodic reports, by length of time and treaty, as at 28 February 2015

		Length of time		
Treaties	*Number of overdue periodic reports*	*Number of reports less than 5 years overdue (percentage)*	*Number of reports between 5 and 10 years overdue (percentage)*	*Number of reports more than 10 years overdue (percentage)*
ICCPR	59	30	10	19
ICESCR	37	18	11	8
ICERD	81	37	28	16
CAT	39	36	2	1
CEDAW	46	38	5	3
CRC	39	22	9	8
CRC-OPAC[a]	-	-	-	-
CRC-OPSC[a]	-	-	-	-
ICRMW	4	3	1	0
CRPD	0	0	0	0
ICPPED[b]	-	-	-	-
Total	**305**	**184 (60)**	**66 (22)**	**55 (19)**

[a] Pursuant to article 12, paragraph 2, of the Optional Protocol on the sale of children, child prostitution and child pornography and article 8, paragraph 2, of the Optional Protocol on the involvement of children in armed conflict, following the submission of the comprehensive report, each State party shall include in the reports it submits to the Committee on the Rights of the Child, in accordance with article 44 of the Convention on the Rights of the Child, any further information regarding the implementation of the respective protocol.

[b] Although States parties to the International Convention for the Protection of All Persons from Enforced Disappearance are not required to submit periodic reports, pursuant to article 29, paragraph 4, of the Convention the Committee on Enforced Disappearances may request States parties to provide additional information on the implementation of the Convention.